

## **1832.705**

### **Subpart 1832.7—Contract Funding**

#### **1832.705 Contract clauses.**

##### **1832.705-2 Clauses for limitation of cost or funds.**

##### **1832.705-270 NASA clauses for limitation of cost or funds.**

(a) The contracting officer shall insert the clause at 1852.232-77, Limitation of Funds (Fixed-Price Contract), in solicitations and contracts for fixed-price incrementally funded research and development.

(b) The contracting officer shall insert a clause substantially as stated at 1852.232-81, Contract Funding, in Section B of solicitations and contracts containing the clause at FAR 52.232-22, Limitation of Funds. Insert the amounts of funds available for payment, the items covered, and the applicable period of performance. The amount obligated for fee in paragraph (b) of the clause should always be sufficient to pay fee anticipated to be earned for the work funded by the amount in paragraph (a) of the clause.

### **Subpart 1832.10—Performance-Based Payments**

#### **1832.1005 Contract clauses. (NASA supplements paragraph (a))**

(a) If the contract is for launch services, the contracting officer shall delete paragraph (f) of the clause at FAR 52.232-32 in accordance with 1832.1009.

[61 FR 55768, Oct. 29, 1996, as amended at 65 FR 31103, May 16, 2000; 69 FR 35271, June 24, 2004]

#### **1832.1009 Title.**

In accordance with 42 U.S.C. 2465d, NASA shall not take title to launch vehicles under contracts for launch services unless one of the exceptions in the law applies. However, the law does not eliminate NASA's right to take title to other property acquired or produced by the contractor under a contract containing a title provision.

## **48 CFR Ch. 18 (10-1-05 Edition)**

### **Subpart 1832.11—Electronic Funds Transfer**

#### **1832.1110 Solicitation provision and contract clauses. (NASA supplements paragraphs (a), (b), and (c)).**

(a)(1) NASA does not use the Central Contractor Registration. Use the clause at FAR 52.232-34, Payment by Electronic Funds Transfer—Other than Central Contractor Registration.

(b) In accordance with FAR 32.1106(b), the use of a nondomestic EFT mechanism is authorized. When a nondomestic EFT mechanism is used, the contracting officer shall replace the paragraph at FAR 52.232-34(c) with a description of the EFT mechanism that will be used for the contract.

[64 FR 18373, Apr. 14, 1999, as amended at 69 FR 35271, June 24, 2004]

## **PART 1833—PROTESTS, DISPUTES, AND APPEALS**

### **Subpart 1833.1—Protests**

Sec.

1833.103 Protests to the agency.

1833.106-70 Solicitation provision.

### **Subpart 1833.2—Disputes and Appeals**

1833.215 Contract clause.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 61 FR 55771, Oct. 29, 1996, unless otherwise noted.

### **Subpart 1833.1—Protests**

#### **1833.103 Protests to the agency. (NASA supplements paragraphs (c), (d) and (f).)**

(c) An independent review under the provision at 1852.233-70 is available as an alternative to a protest to the contracting officer, but not as an appeal of a protest decision. All independent reviews shall be conducted by the Associate Administrator for Procurement or designee. Such reviews are different from the Ombudsman Program described at 1815.7001.

(d) NASA shall summarily dismiss and take no further action upon any protest to the Agency if the substance of the protest is pending in judicial proceedings or the protester has filed a protest on the same acquisition with

## National Aeronautics and Space Administration

1833.215

the United States General Accounting Office prior to receipt of an Agency protest decision.

(4) When a potential bidder or offeror submits an Agency protest to NASA to the contracting officer or alternatively requests an independent review, the decision of the contracting officer or the independent review official shall be final and is not subject to any appeal or reconsideration within NASA.

[62 FR 11108, Mar. 11, 1997, as amended at 64 FR 36607, July 7, 1999; 67 FR 61519, Oct. 1, 2002; 69 FR 35271, June 24, 2004]

### **1833.106-70 Solicitation provision.**

Contracting officers shall insert the provision at 1852.233-70 in all solicitations.

[62 FR 11108, Mar. 11, 1997]

## **Subpart 1833.2—Disputes and Appeals**

### **1833.215 Contract clause.**

The contracting officer shall use the clause at FAR 52.233-1, Disputes, with its Alternate I whenever continued performance is vital to national security, the public health and welfare, important agency programs, or other essential supplies or services whose timely reprocurement from other sources would be impracticable.